Waltham Police Department

"Protecting and Serving with Pride"

Keith D. MacPherson
Chief of Police

Internal Affairs- Investigation Disposition

Form 52-6
Revised 12/15
52.2.5, 52.2.8

To: Chief MacPherson

From: CAPT CHAMPEON

Subject: 2016-02

Date:

Complaint(s): [redacted]

Officer(s): DAN COLLINS

DISPOSITION

- [x] Proper Conduct
- [ ] Improper Conduct
- [ ] Inadequate Policy
- [ ] Insufficient Evidence
- [x] Unfounded Complaint

Comments:

See attached report from

SGT HART

Reviewed Keith D. MacPherson
(Chief Keith MacPherson)

Date 1/13/17

155 Lexington Street, Waltham, MA 02452-4685 Tel: (781) 314.3500 Fax: (781) 314.3506

Waltham Police Department
"Protecting and Serving with Pride"

Keith D. MacPherson
Chief of Police

2016-02

Report of Alleged Police Misconduct

Form 52-1
Revised 12/15
52.1.4, 52.2.4

Date: Thursday April 28, 2016
Name of Complainant: [redacted]
Address: [redacted]
Telephone Number (Home): N/A (Cell): [redacted]
Place of Employment: [redacted]
Address:
Phone Number:

Location of Incident: Lexington Street, Waltham; TJ Maxx to Traphlo Rd/Lexington St intersection
Date/time of Incident: Tuesday April 26, 2016, ~3:30pm

Officer(s) complained about:

1. Name: Officer Daniel Collins Rank: unknown Badge #: 74
   Description (height, weight, color hair/eyes, etc.) brown/brunette, glasses, ~175 lbs, unsure of height
2. Name: Rank: Badge #:
   Description (height, weight, color hair/eyes, etc.)

Witness Information: (Name, Address, Phone #)

Nature of Complaint:

Describe in your own words everything you consider necessary for the police to investigate your complaint.

I, upon my oath, hereby depose and say as follows:

) On Tuesday April 26, 2016 I was driving north on Lexington Street in Waltham, MA. From the left lane I approached a vehicle stopped and waiting to turn left into the TJ Maxx parking lot. I used my right blinker before coming to a complete stop and changed lanes, after using my side and rear view mirrors. Once in the Right lane I noticed a red sedan vehicle quickly approaching my (continued)

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vehicle and heard a honk from a car horn. The red sedan was very close to the rear end of my vehicle. I then checked my left side view mirror and rear view mirror, turned on my left turn signal and moved into the left lane. After changing lanes and checking my rear view mirror again I noticed the red sedan quickly changed lanes and was once again behind me. Feeling unsafe and not wanting to pull into the parking lot of my original destination I continued driving north on Lexington St and planned to do so until out of the vicinity of the red sedan. At a red light at ~~Stems~~ Stearns Hill Rd and Lexington St. I came to a stop. Unsure if the red sedan was still behind my vehicle I continued to look ahead, not wanting to make eye contact with the driver of the red sedan. When the light turned green I

(continued on back →)

-I understand that I will be informed of the result of the police investigation and the disposition of my complaint.

-I am/~~am not~~ willing to testify at any hearings in this matter. (Circle one)

-I have read the above statement of complaint and it is true and accurate to the best of my knowledge.

Signed under the pains and penalties of perjury this 28 *day of* April, 2016.

Signature of Complainant: [redacted]

Date and time received: 4-28-16 H. R. C. @ 1227hrs

Signature of Superior Officer receiving complaint (if in person): H. R. Cowland

THIS FORM IS TO BE SEALED IN A PLAIN ENVELOPE AND MARKED "CONFIDENTIAL" TO THE ATTENTION OF THE CHIEF OF POLICE. A COPY OF THIS FORM WILL BE GIVEN TO THE COMPLAINANT BY THE RECEIVING SUPERIOR OFFICER.

Send correspondence to: Office of the Chief of Police- Internal Affairs Matter
Waltham Police Department
155 Lexington Street
Waltham, MA 02452
Office: (781) 314-3500
Fax: (781) 314-3506

continued to drive north on Lexington St. After proceeding straight I checked my rearview mirror and noticed the red sedan was stopped but immediately began driving again, very quickly catching up to my vehicle. As I approached the intersection of Lexington St and Trapelo Rd the light was red and I came to a stop in the middle lane. The red sedan pulled up next to my vehicle on my left side. I continued to look straight forward ~~and~~ not wanting to make eye contact with the driver of the red sedan. After a few seconds I noticed a person had approached my vehicle before turning to see the person I locked my doors, then looked left and noticed the person was a police officer. I immediately rolled down my vehicles driver side window and turned down my vehicles radio. The officer asked me if I noticed that I took off the front end of his car and I responded by saying "I didn't touch any other car" The officer then raised his voice and said/asked "So you didn't notice you almost took off the front end of my car when you cut me off?" I responded by saying "no sir I'm sorry" At this time he was holding his radio on his shoulder with his opposite hand and asked "And then you didn't see me get out of my car back there to stop you?" I responded by saying "no I didn't I'm sorry". He proceeded to raise his voice again and so "Oh okay, so you didn't see any of that?" before I could respond the officer started walking towards the rear end of my vehicle and shouted "Are you the owner of this vehicle?" I responded by saying "yes" From then I could hear him reading my license plate number out loud. He then started walking back towards his car and while standing/making his way infront of his vehicle he ~~sea~~ shouted "you'll get your citation in the mail". I asked "a citation for what?" while getting in the driver side of his vehicle he yelled "you'll find out in court". The vehicle then sped off from my left side crossed lanes to my right side and I continued to drive straight until I could turn into the shaws parking lot. After being persued by a red sedan in an unsafe manner and being yelled at by an unidentified officer I immediately drove to the waltham police department head quarters to ask for an explanation and to understand the protocol for pesuing a vehicle when a police officer is in

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Sent

a private unmarked vehicle of their own to issue a citation I expressed my concern that I was harrassed and persued by a wreckless driver with no way of knowing it was a police officer until after the individual approached my vehicle. The officer at the police station ~~[illegible]~~ did not explain the protocol, and only said that an off duty office can write citations. A second time I expressed that I was not told what the citation was for, that I was not aware of the officer driving the red sedans identity, ~~[illegible]~~, and that I felt that incident was inappropriate and I overall was unaware of how to even proceed. The officer at the police station said "If you want I can find out", I respond by saying "yes please". At this time I was crying and the officer returend to the area behind the mirror glass door and left me in the lobby. He promptly returned with a single peice of white printer paper with hand writing that noted the officer driving the red sedan's name, badge number, a time, and an address. The officer at the police station verbally informed me that I would receive a citation in the mail for "unsafe lane change" and verified that my mailing address was the address on my registration. He then apologized that I thought this was traumatic and informed me I could file a complaint.

2016-02

To: Captain Kevin O'Connell

From: Sergeant Daniel Hart

Subject: Motor Vehicle citation complaint

Complainant: [redacted]

Officer: Officer Daniel Collins

On April 26th, 2016 [redacted] came to the front counter to complain about a motor vehicle violation she was being cited for, and the manner in which she was informed by Officer Dan Collins. In this incident Officer Collins (who was still in uniform from his previous shift) pulled up behind [redacted] in his personal vehicle, got out of his car and walked up to the driver's side window to inform [redacted] she would be cited. He also called in the incident over his portable radio. I advised [redacted] Kelsey that Officer Collins was within his right to inform her that he was mailing her a citation. [redacted] Kelsey did not appear satisfied with my appraisal of the encounter and did not believe the officer followed proper protocol. She was then informed if she believed there to be police misconduct she could file a complaint. [redacted] stated she did not wish to file a complaint at this time, but stated she may come in at a later time to do so.

On April 28th, 2016 [redacted] then came in to file a complaint against Officer Daniel Collins about the incident that occurred on April 26th, 2016. This complaint was then processed by Lt. Couture and forwarded to the Internal Affairs unit. This complaint was then screened out by the Internal Affairs division as a NON-I.A. event and sent back to me. I then followed up with [redacted] over the recorded phone line in operations and advised her that the disposition of the complaint filed showed that there wasn't any improper conduct on behalf of Officer Collins. She again stated that she was not satisfied and informed me that she would be contacting the Chief and our conversation ended.